

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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LEACH LOGISTICS, INC.

Plaintiff,

Case No. 3:21-CV-00237-MMD-CLB

v.

CF USA, INC., *dba*, THE COFFEE  
CHERRY COMPANY,

Defendant.

[ECF No. 39]

**ORDER GRANTING MOTION ALLOWING  
DISPOSAL OF EVIDENCE AND MOTION  
TO SHORTEN TIME**

10 Before the Court is Plaintiff Leach Logistics, Inc.'s, ("Leach") motion for order  
11 allowing disposal of evidence and motion to shorten time. (ECF No. 39.) Defendant CF  
12 USA, Inc., *dba*, The Coffee Cherry Company ("TCCC") responded, (ECF No. 43), and  
13 Leach replied, (ECF No. 44).

14 Leach asks the Court to enter an order allowing Leach to dispose of certain coffee  
15 husk material—which forms the basis of this litigation—without the prospect of spoliation  
16 claims at a later date. (ECF No. 39.) TCCC agrees generally with the order requested in  
17 Leach’s motion, but requests that the Court make additional factual findings. (See ECF  
18 No. 43 at 7-9.) The Court declines to incorporate TCCC’s proposed factual findings, as  
19 they are beyond the scope of what is necessary to achieve the purpose of Leach’s motion,  
20 which is simply to dispose of the certain coffee husk material without the prospect of  
21 spoliation claims.

22 Accordingly, the Court finds as follows: Leach is in possession of certain coffee  
23 husk material (“product”) which forms the basis of this litigation. The parties agree that the  
24 product has been preserved for sufficient time to satisfy Leach’s obligation to preserve  
25 evidence for purposes of litigation. Because no request has been made by any party to  
26 further preserve the product, and there appears to be no further need to preserve the  
27 product for litigation purposes, Leach is no longer required to preserve the product and  
28 may dispose of the same. No party or entity having notice of this litigation can claim

spoliation because of the disposal of the product.

Based on the above, **IT IS HEREBY ORDERED** that the motion allowing disposal of evidence and motion to shorten time, (ECF No. 39), is **GRANTED**;

**IT IS FURTHER ORDERED** that the product may be disposed of as of the date of this Order;

**IT IS FURTHER ORDERED** that no party may seek or raise any spoliation claims as a result of the disposal of the product; and,

**IT IS FURTHER ORDERED** that in light of this Order, the video motion hearing set for 1/21/2022 is **VACATED**.

**IT IS SO ORDERED.**

**DATED:** January 18, 2022

  
UNITED STATES MAGISTRATE JUDGE